

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PAUL H. LaMARCHE,)	
PLAINTIFF)	
)	
v.)	
)	
METROPOLITAN LIFE INSURANCE)	
CO.,)	
DEFENDANT AND)	
THIRD-PARTY PLAINTIFF)	
)	
v.)	
)	
LORNA ARMESTO,)	
THIRD-PARTY DEFENDANT)	

CIVIL No. 01-123-B-H

ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the court on November 6, 2002, with copies to counsel, her Recommended Decision on Metropolitan's Motion for Judgment on the Pleadings and Motion for Summary Judgment and Order on Metropolitan's Motion for Exclusion of Expert Testimony. Metropolitan filed an objection to the Recommended Decision on November 18, 2002. I have reviewed and considered the Recommended Decision, together with the entire record; and I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**.

Metropolitan's Motions for Judgment on the Pleadings and to Dismiss are **GRANTED IN PART** and **DENIED IN PART** as follows: (1) the motion against Armesto's Cross-Claims is **DENIED**; (2) the motion with respect to LaMarche's Count I (declaratory judgment), Count II (breach of contract), Count III (bad faith breach of contract), Count V (24-A M.R.S.A. § 2436-A) and Count VI (24-A M.R.S.A. § 2436) is **DENIED**; and (3) the motion against LaMarche's Count IV (negligence) is **GRANTED**.

Metropolitan's Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART** as follows: (1) the motion with respect to Counts V and VIII of LaMarche's Amended Complaint is **GRANTED**; and (2) the motion in all other respects is **DENIED**.

So ORDERED.

DATED: DECEMBER 16, 2002.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE